



PATENT
Attorney Docket 044481-5017-06

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Vanitha Ramakrishnan <i>et al.</i>)	Group Art Unit: 1644
)	
Application No. 09/003,810)	Examiner: Phillip Gambel
)	
Filed: January 7, 1998)	Allowed: September 21, 2005
)	
For: Inhibitory Immunoglobulin Polypeptides to)	Confirmation No. 9495
Human PDGF Beta Receptor)	

PETITION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. 1.705(b)

In response to the Notice of Allowance dated September 21, 2005, Applicants submit a petition for patent term adjustment (PTA) to request a reconsideration of PTA of 761 (seven hundred and sixty-one) days indicated on the Determination of Patent Term Adjustment Under 35 U.S.C. 154(b) attached to the Notice of Allowance and a reinstatement of the missing patent term of 360 (three hundred and sixty) days.

For consideration of the application for PTA, enclosed are the following:

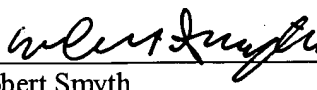
1. Fee set forth under 1.18(e) (see Fee Transmittal Form);
2. Statement of the Facts involved; and
3. Copy of Patent Term Adjustment History

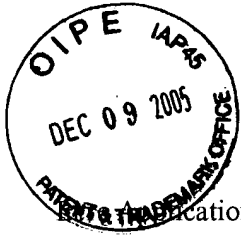
In view of the reasons set forth in the Statement of Facts, Applicants respectfully request that the patent term be corrected by reinstating 360 (three hundred and sixty) days to the term of the patent issuing from the above-identified application.

If there are any additional fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Dated: December 9, 2005
Morgan, Lewis & Bockius LLP
Customer No. 09629
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202-739-3000

Respectfully submitted
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STATEMENT OF FACTS UNDER 37 C.F.R. 1.705(b)(2)

The Determination of Patent Term Adjustment attached to the Notice of Allowance issued on September 21, 2005 indicated that the above-referenced application was entitled to only 761 (seven hundred and sixty-one) days of Patent Term Adjustment (PTA). Applicants respectfully submit that the PTA for this application was incorrectly calculated as discussed below and that this application is entitled to an additional 360 (three hundred and sixty) days of PTA for a total PTA of 1121 (one thousand one hundred and twenty-one) days.

1. The correct PTA and reasons supporting adjustment as required under 37 C.F.R. 1.702.

Applicants request that the PTA be corrected to 1121 days due to delay on the part of the U.S. Patent Office as provided under 37 C.F.R. 1.702(b). The basis for this correction is as follows:

(a) beyond four months from mailing date of the favorable interference decision (June 8, 2004) to the mailing date of the notice of allowance (September 21, 2005). The number of days for calculation of extension under 37 C.F.R. 1.703(a)(5) is therefore 348 days.

(b) fourteen months from the date of filing CPA (February 27, 2001) to a first action (May 9, 2005). The number of days for calculation of extension under 37 C.F.R. 1.703(a)(b) is therefore 12 days.

2. The relevant dates as specified in 1.703(a) through (e) for which an adjustment is sought and the adjustment as specified in 1.703(f) to which the patent is entitled.

A favorable interference decision was mailed on June 8, 2004. A notice of allowance was mailed on September 21, 2005.

A CPA was filed on February 27, 2001. A first action was not mailed until May 9, 2005.

Accordingly, since the Office delay is 1121 days, the patent term for the patent issuing from the above-identified application should be adjusted to include an additional 360 days. Applicants therefore request that the total PTA for this application be corrected to 1121 days.

3. Terminal Disclaimer.

Any patent issuing from the above-identified application is not subject to any terminal disclaimer.

4. Circumstances constituting failure to engage in reasonable efforts to conclude processing or examination of the application.

Applicants engaged in reasonable efforts to conclude prosecution of the application.

5. Conclusion

In view of the statements above, the patent term for the patent issuing from the above-identified application should be corrected to add 93 days based on U.S. Patent Office delays.

Dated: **December 9, 2005**
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Printer Friendly

09/003,810 INHIBITORY IMMUNOGLOBULIN POLYPEPTIDES TO HUMAN PDGF BETA RECEPTOR

Patent Term Adjustment History



Patent Term Adjustment (PTA) for Application Number: 09/003,810			
			Days
Filing or 371(c) Date:	01-07-1998	USPTO Delay (PTO):	761
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay(APPL):	0
Post-Issue Petitions (days):	+0	Total PTA:	761
USPTO Adjustment(days):	+0	Explanation Of Calculations	
Patent Term Adjustment History			
Date	Contents Description	PTO(Days)	APPL (Days)
09-21-2005	Mail Notice of Allowance		
09-19-2005	Notice of Allowance Data Verification Completed		
06-08-2004	Mail Interference Decision - Favorable		
06-08-2004	Interference Decision on Priority - Favorable	761	
05-09-2002	Declaration of Interference	⬆	
04-25-2002	Interference Communication: Initial Memo Disposal	⬆	
03-12-2002	Mail Letter Suspending Prosecution at Applicant's Request	⬆	
03-11-2002	Letter of Suspension - Applicant Initiated	⬆	
01-22-2002	IFW Scan & PACR Auto Security Review	⬆	
03-09-2001	Date Forwarded to Examiner	⬆	
02-27-2001	Workflow - Request for CPA - Begin	⬆	
02-27-2001	Continuing Prosecution Application - Continuation (ACPA)	⬆	
02-27-2001	Mail Express Abandonment (During Examination)	⬆	
02-27-2001	Express Abandonment (during Examination)	⬆	

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